

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

UNITED STATES OF AMERICA,

Plaintiff,

-vs-

SAMANTHA MARIE TAINEWASHER,

Defendant.

Case No. 1:21-CR-2029-SAB-1**CRIMINAL MINUTES****DATE: NOVEMBER 16, 2022****LOCATION: YAKIMA, WA****MOTION HEARING**

**CHIEF JUDGE STANLEY A.
BASTIAN**

Michelle Fox Courtroom Deputy	03 Law Clerk	Interpreter	Marilynn McMartin Court Reporter
Timothy Ohms Michael Ellis Government Counsel		Richard Smith Douglas McKinley Defense Counsel	
United States Probation Officer:			

☒ **Open Court**☐ **Chambers**☐ **Telecon/Video**

Defendant present and out of custody of US Marshal.

Motion for Acquittal, ECF No. 161
Motion to Dismiss, ECF No. 182

Court has reviewed all of the documents filed. A Superseding Indictment was filed and defendant has been arraigned. Court has read all the briefing and is fully prepared.

D. McKinley presents argument. Court questions counsel. D. McKinley continues argument. Court questions counsel. D. McKinley presents argument.

Court indicates that if the Motion for Acquittal is granted then the double jeopardy issue is heard. If motion is denied then there is no double jeopardy.

D. McKinley agrees.

Court wants to hear all arguments now and then government will respond.

D. McKinley presents argument on double jeopardy. Court questions counsel. D. McKinley responds and continues argument.

[X] ORDER FORTHCOMING

CONVENED: 2:42 P.M.	ADJOURNED: 3:30 P.M.	TIME: 48 MIN.	CALENDARED [X]
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D. McKinley requests additional time to file briefing regarding Superseding Indictment. Court will allow counsel to file briefing before the Court rules on motions.

D. McKinley continues argument.

Court questions counsel. M. Ellis agrees, if Rule 29 is granted, count 1 would be dismissed. Cannot seek a Superseding Indictment to wipe away the double jeopardy motion.

M. Ellis presents argument. Court questions counsel. M. Ellis continues argument. Court questions counsel. M. Ellis continues argument. Court questions counsel. M. Ellis continues argument.

Court will allow defense to file briefing by December 2, 2022.

D. McKinley presents argument. Court just estimated. D. McKinley continues argument.

Court will have government respond in a week on December 9, 2022.

Court asks about co-defendant – Mr. Hunt.

M. Ellis responds. Working on executing a warrant.

Court suggests that the trial date may not be firm once co-defendant is on board.

Court sets a pretrial conference on January 10, 2023 at 3:00 pm. Once briefing is in, the Court will contact counsel if anything is needed, otherwise Court will review once all briefing is in.